

A true copy. Attest.

Guilette S. Haas
Egremont Town Clerk
10/21/2020

Town of Egremont, MA
Postponed Special Town Meeting
October 15, 2020

The Postponed Egremont Special Town Meeting of October 15, 2020, originally scheduled and posted for October 13, 2020 at 5 pm, held outdoors at French Park in Egremont, MA, was called to order at 5:00 pm by Moderator Stephen Cohen. On October 13, 2020 the Moderator in consultation with the Selectboard postponed the originally scheduled and posted Special Town Meeting due to inclement weather in accordance with the provisions of MGL Chapter 39 Section 10A to Thursday, October 15, 2020 at 5:00 pm.

The Moderator attested to the proper service of the warrant, noted the presence of a quorum, gave instructions for the meeting and introduced Town Officials. The Pledge of Allegiance was recited and a moment of silence to honor the victims of COVID-19 and thank those who have served on the frontlines was observed.

ARTICLE 1: Motion made and seconded to create a new Section 19 within the Town's General Bylaws as spelled out in the warrant as follows:

In accordance with M.G.L. c. 64G, § 3A, the Town of Egremont hereby adopts a 6% Local Room Occupancy Excise on the transfer of occupancy of a room or rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel. Further, in accordance with M.G.L. c. 64G, § 3A and M.G.L. c. 64G, § 3D, the Town of Egremont hereby adopts a 3% Community Impact Fee on the total amount of rent upon each transfer of occupancy of a professionally-managed unit [830 CMR 64G.1.1(10)(a)] or of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence [830 CMR 64G.1.1(10)(b)]. The purveyor of any property subject to such excise taxes shall pay the taxes imposed under this bylaw to the Commissioner at the same time and in the same manner as the sales tax due to the Commonwealth.

Vote taken: The Moderator declared motion passed by a majority show of hands.

ARTICLE 2: Motion made and seconded to adopt as written in the warrant the following changes and additions to the Egremont Zoning Bylaws:

1. To Section 2. DEFINITIONS, add the following:

ACCESSORY DWELLING UNIT (ADU): A detached dwelling unit on the same lot as a primary dwelling or principal building, and that contains at least one bathroom and facilities for cooking and sleeping.

GROSS FLOOR AREA OF AN ACCESSORY DWELLING UNIT: The sum of the floor areas in the unit, including finished basements, mezzanines and intermediate floor levels. Non-enclosed areas, whether covered by a roof or not, such as balconies and porches, and utility structures attached to an Accessory Dwelling Unit, such as garages or carports, are exempt from the Gross Floor Area.

And add the following words in bold to:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, but not including an Accessory Dwelling Unit

2. To Section 4.1.1.2. Uses and Structures Permitted in the General District by Right, add the following subsection:

h. Accessory Dwelling Unit not exceeding 800 square feet of Gross Floor Area on the same lot as a One- or Two-Family Dwelling, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

3. To Section 4.1.1.3.a. Uses and land structures which may be authorized by the Planning Board by Special Permit in accordance with provisions of this Bylaw, add the following subsections:

iv. Accessory Dwelling Unit exceeding 800 square feet of Gross Floor Area, but not to exceed 1200 square feet of Gross Floor Area, subject to the intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

v. Accessory Dwelling Unit in a structure built after 10/13/2020 with side and rear setbacks of at least 25 feet and less

than 50 feet, subject to all other intensity regulations specified in §4.1.2.1.b. and all special requirements specified in §4.1.2.3.c.

vi. Accessory Dwelling Unit on the same lot as a permitted retail business or consumer service establishment, subject to the applicable intensity regulations specified in §4.1.2.1.b. and the special requirements specified in §4.1.2.3.c.

4. To Section 4.1.2.1.b. Table of Intensity Regulations, add the words and numbers shown in bold below:

Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear	
One Family	1 Acre	150	40	25	25	35
Existing One Family Converted to Two Family, Provided There Is No ADU on the Lot	1 Acre	150	40	25	25	35
Accessory Dwelling Unit with One Family in a Structure Built Before 10/13/2020	1 Acre	150	40	25	25	35
Accessory Dwelling Unit with One Family in a Structure Built After 10/13/2020	1 Acre	150	40	50	50	35
Two Family	2 Acres	150	40	25	25	35

Accessory Dwelling Unit with Two Family	2 Acres	150	40	50	50	35
Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with No Dwelling Unit	1 Acre	150	40	50	50	35
Accessory Dwelling Unit with Retail Business or Consumer Service Establishment with One Dwelling Unit	2 Acres	150	40	50	50	35
Multi-Family	2.5 Acre ³	150	75	50	50	35
All Other Principal Uses ⁴	1 Acre	150	40	25	25	35
Private Garages, Sheds and Such Other Accessory Building	-	-	40	25	25	35

1. Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of sixty-five (65) feet from the center line of the travel way.
2. The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.
3. For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.
4. Except as provided in §4.1.2.3.b.ii

5. To Section 4.1.2.2.a. of Section 4.1.2 General Intensity Regulations for the General District, add the following words in bold:

a. No more than one (1) dwelling or principal building shall be located on a lot, except as provided for in Sections 4.1.1.2.h., 4.1.1.3.a.iv., 4.1.1.3.a.v., and 4.1.1.3.a.vi.

6. To Section 4.1.2.3 Special Intensity Regulations for the General District, add the following subsection:

c. Accessory Dwelling Unit special requirements

i. Only one ADU may be located on a lot.

ii. ADUs are prohibited on lots with Multi-Family dwellings.

iii. An accessory structure larger than 800 square feet that complies with the intensity regulations specified in §4.1.2.1.b. may be converted to an ADU with a Gross Floor Area of up to 800 square feet by right, or converted to an ADU with a Gross Floor Area between 800 and 1200 square feet by Special Permit, provided that the remaining area of the structure shall not be used as living space and that all other regulations in §4.1.2.3.c. are met

iv. The ADU must be in the same ownership as all other dwelling units on the lot.

v. For a lot with one dwelling unit and an ADU, no more than one unit may be rented at a time. For a lot with two dwelling units and an ADU, no more than two (of the three) units may be rented at a time.

vi. Mobile homes, campers, trailers, recreational vehicles and other wheeled structures shall not qualify as an ADU.

vii. The use of a room or rooms in an ADU may be allowed by a resident occupant for practice of his or her occupation or craft, provided that any external evidence of any business is not detrimental to the rural type environment of the area.

viii. An ADU may be located on the same lot as a permitted retail business or consumer service establishment, provided that the lot does not also contain a Two-Family or Multi-Family Dwelling.

Discussion ensued. The motion was unanimously endorsed by the Egremont Housing Committee and Council on Aging.

Motion made and seconded from the floor to amend the proposed bylaw by striking Section 6/Cv.

Vote taken on the motion to amend: defeated by a majority show of hands.

Motion made and seconded from the floor to amend the proposed bylaw by substituting a 50-foot sideline setback instead of 25-foot sideline setback.

Vote taken on the motion to amend: defeated by a majority show of hands.

Vote taken on the original motion: The Moderator declared motion passed by a hand count vote of 90 in favor, 7 opposed.

ARTICLE 3: No motion was made. Article was passed over.

ARTICLE 4: Motion made and seconded to raise and appropriate the sum of \$8,800 for increased costs of operating the Transfer Station.

Finance Committee recommended article.

Vote taken: The Moderator declared motion passed by a unanimous show of hands.

ARTICLE 5: Motion made and seconded to raise and appropriate the sum of \$2,500, to pay its obligations for emergency/backup operations for the Town's broadband network.

Finance Committee recommended article.

Vote taken: The Moderator declared motion passed by a majority show of hands.

ARTICLE 6: Motion made and seconded to raise and appropriate the sum of \$7,000 for planning and engineering of a new Buildings and Grounds garage.

Finance Committee did not recommend article.

Vote taken: The Moderator declared motion passed by a majority show of hands.

ARTICLE 7: Motion made and seconded to raise and appropriate the sum of \$8,250 for removal of dangerous trees near town buildings and the French Park playground.

Finance Committee recommended article.

Vote taken: The Moderator declared motion passed by a majority show of hands.

ARTICLE 8: Motion made and seconded to raise and appropriate the sum of \$7,500 for further funding for public transportation for eligible individuals.

Finance Committee recommended article.

Vote taken: The Moderator declared motion passed by a majority show of hands.

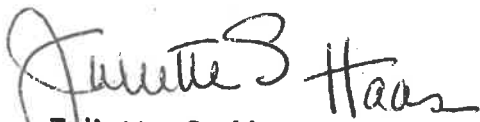
ARTICLE 9: Motion made and seconded to raise and appropriate the sum of \$5,760 to pay for a COVID-19 Compliance Officer.

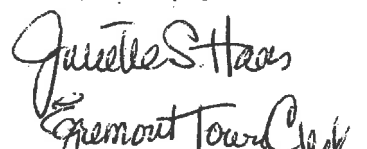
Finance Committee recommended article.

Vote taken: The Moderator declared motion passed by a majority show of hands.

Motion made and seconded to dissolve the meeting. Meeting dissolved at 6:56 pm.

Respectfully submitted,


Juliette S. Haas
Egremont Town Clerk

At true copies.
Attest.

Egremont Town Clerk
10/19/2020